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November 10, 2003

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## EX PARTE NOTICE

### *Electronic Filing*

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Room TW-A325  
Washington, D.C. 20554

Re: ALLTEL Communications, Inc., Petitions for Designation  
as an Eligible Telecommunications Carrier  
CC Docket No. 96-45, DA Nos. 03-1881, 03-1882, FCC 97-419

Dear Ms. Dortch:

ALLTEL Communications, Inc. ("ALLTEL") requests that its pending applications for designation as an eligible telecommunications carrier ("ETC") in the States of Virginia, Alabama, North Carolina and Georgia ("Applications") be bifurcated to allow separate and expeditious consideration of those aspects of the Applications that concern the non-rural incumbent local exchange carrier ("ILEC") study areas covered by the Applications. ALLTEL urges the Commission to decide promptly its requested ETC status for all study areas in these states, but would accept a decision limited initially to non-rural areas, if bifurcation of the Applications would accelerate at least a partial decision.

ALLTEL's Applications for Virginia and Alabama were placed on public notice on June 3, 2003,<sup>1</sup> and the notices were published in the Federal Register on June 18,

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<sup>1</sup> FCC Public Notice, *Wireline Competition Bureau Seeks Comment on ALLTEL Communications, Inc. Petition For Designation as an Eligible Telecommunications Carrier in the State of Virginia; Pleading Cycle Established*, CC Docket No. 96-45, DA 03-1881 (June 3, 2003); FCC Public Notice, *Wireline Competition Bureau Seeks Comment on ALLTEL Communications, Inc. Petition For*

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2003.<sup>2</sup> The comment cycle closed on July 14, 2003. ALLTEL's Applications for Georgia and North Carolina were filed on August 26, 2003, and ALLTEL filed an amended ETC application for Georgia on September 15, 2003. The Georgia and North Carolina ETC Applications have not been placed on public notice.

Because ALLTEL's wireless service areas in the identified states cover rural ILEC study areas, ALLTEL made the public interest showing required by Section 214(e)(6) of the Communications Act in its Applications with regard to those service areas. With regard to the portions of ALLTEL's service areas in those states covering non-rural ILEC study areas, however, its compliance with the eligibility obligations of Section 214(e)(1) of the Act "is consistent per se with the public interest. The carrier need make no further [public interest] showing to satisfy this requirement."<sup>3</sup> Consequently, the non-rural service areas addressed in the Applications raise fewer issues, and thus may lend themselves to an earlier decision, than the rural areas.

In order to provide the Commission with the maximum flexibility in resolving the issues raised by the Applications, ALLTEL accordingly requests that the Commission consider the non-rural areas covered by the Applications separately from, and in advance of, the rural areas if bifurcation would facilitate the Commission's review. Thus, if the public interest issues raised by the rural aspects of the Applications will take significantly longer to resolve than the eligibility requirements as to the non-rural areas, ALLTEL requests that the Commission decide the latter in separate orders addressing only the non-rural ILEC study areas or partial study areas pending its consideration of the rural areas. Bifurcated treatment will raise no additional issues requiring further comment, nor will it pose any administrative or implementation difficulties.<sup>4</sup>

In accordance with Section 1.1206 of the Commission's rules, this letter is being filed with your office for inclusion in the public record of the above referenced

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*Designation as an Eligible Telecommunications Carrier in the State of Alabama; Pleading Cycle Established*, CC Docket No. 96-45, DA 03-1882 (June 3, 2003).

<sup>2</sup> 68 Fed. Reg. 36548 (June 18, 2003); 68 Fed. Reg. 36549 (June 18, 2003).

<sup>3</sup> *Federal-State Joint Board on Universal Service; Cellco Partnership d/b/a Bell Atlantic Mobile Petition for Designation as an Eligible Telecommunications Carrier*, Memorandum Opinion and Order, 16 FCC Rcd 39, 45 (CCB 2000).

<sup>4</sup> For example, each covered ILEC study area is either entirely rural or entirely non-rural, so granting ETC applications as to only the non-rural areas will not raise any cream-skimming issues.

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proceeding. If you have any questions regarding this *ex parte* notice, please contact the undersigned.

Yours truly,

/s/ Cheryl A. Tritt

Cheryl A. Tritt  
Counsel for ALLTEL Communications, Inc.

cc: William Maher  
Carol Matthey  
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